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EXAMINER

PILLAI, NAMITHA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,063

Applicant(s)

BEST ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42, 46-48, 51, 52 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42, 46-48, 51, 52 and 54-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 11/7/05 including amendments to claims 52, 55, 56, 59 and 60. All pending claims have been rejected as being previously disclosed in prior references.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The feature "***substantially same time***" is ambiguous and does not clearly define the subject matter in regard to the time period involved in sending information to the server.

Since claims 58-60 depend on claim 57 and include all of the limitations of this claim, claims 58-60 are rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48 and 51-58 and 60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by International Publication WO 98/43170 (Banthia).

Referring to claims 1 and 29, Banthia discloses a method of executing applets, by receiving user selection of a plurality of applets and generating separate windows within a main applet for each of the selected applet (page 8, lines 25-37). Banthia discloses that the main applet executes each applet in a separate window (page 8, lines 30-33).

Referring to claims 2, 16 and 30, Banthia discloses that one applet may be selected multiple times (page 4, lines 7-10), wherein continuous updating of one applet involves selection of that applet multiple times.

Referring to claims 3, 4, 17, 18, 31 and 32, Banthia discloses enabling each window to be resized and repositioned (page 4, lines 14-17).

Referring to claims 9, 23 and 37, Banthia discloses enabling windows to be tiled (Figure 5).

Referring to claims 10, 24 and 38, Banthia discloses loading the main applet into a browser window (page 5, lines 19-32).

Referring to claims 11, 25 and 39, Banthia discloses loading the main applet into a Java application, wherein the main applet is a webtop applet (page 2, lines 30-36).

Referring to claims 12, 26, 40 and 53, Banthia discloses executing the main applet to display a list of available applets from which users can select applets (page 5, lines 23-32 and Figure 5).

Referring to claims 14, 28 and 42, Banthia discloses that separate windows are generated for applets selected from a toolbar (Figure 5).

Referring to claim 15, Banthia discloses an apparatus for executing applets with a client computer having data stored (page 3, lines 31-38). Banthia also discloses a server computer having data store coupled to and connected to the client computer via a network (Figure 1). Banthia also discloses one or more computer programs, performed by the computers for receiving user selection of a plurality of applets, generating separate windows within a main applet for each of the selected applets and the main applet executing each applet in a separate window (page 8, lines 25-37).

Referring to claim 46, Banthia discloses a method of executing applets by opening a main applet to display a list of applets (Figure 5, page 3, lines 34-38 and page 4, lines 1-2). Banthia discloses a user selecting from the list at least two applets, transmitting the user selection of the at least two applets to the main applet (page 8, lines 25-37). Banthia discloses generating a separate window within the main applet for each selected applet and the main applet executing each of the selected applets in the separate window (page 8, lines 25-38).

Referring to claims 47 and 48, Banthia discloses that the main applet is an applet web top viewer, wherein the plurality of applets are positioned within a single page of the web top viewer (Figure 5).

Referring to claim 51, Banthia discloses that plurality of applets are positioned within a single fixed space window (Figure 5).

Referring to claims 52, Banthia discloses that the plurality of applets are executed from within the main applet (page 4, lines 1-6) and that the plurality of applets are independent of each other as displayed in Figure 3 with each applet being distinct and independent of each other.

Referring to claim 54, Banthia discloses receiving at substantially the same time the user selection of the plurality of applets (page 8, lines 25-35).

Referring to claim 55, Banthia discloses that the main applet generates separate windows for the selected applets within a window of the main applet (Figure 5). The window of the main applet is represented as the web browser window or web page to which the main controller applet is loaded with. The applet would clearly have to be loaded along with a browser window in order for it to completely function as per the description of applets by Banthia (page 2, lines 25-29). Banthia has disclosed that the main browser window and the controlling applet are responsible for controlling the display applets, wherein clearly the main browser window would be the window of the main applet. See page 4, lines 1-10. Banthia also discloses that the selected applets are independent with Banthia teaching the distinct and independent applets in Figure 3.

Referring to claim 56, Banthia discloses that all of the windows for the selected applets are generated within display space defined for the main applet (Figure 5).

Referring to claim 57, Banthia discloses a method of executing applets by loading a main applet, dynamically selecting a plurality of applets for display and loading the dynamically selected plurality of applets into the main applet (page 3, lines 31-page 4, lines 1-2). Banthia discloses that the applets are selected from a list naming the

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plurality of applets displayed in the main applet (Figure 5 and page 4, lines 1-10).

Figure 5 displays a listing of a number of display applets controlled by the main applet, which in turn is associated with the web browser that is displaying the list. Banthia further teaches a situation under which at substantially the same time, selection comprising a plurality of applets is sent to the server (page 3, lines 11-20). Banthia discloses generating separate windows for each loaded applet and displaying and executing each loaded applet in a separate window within the main applet (page 8, lines 25-35). The controlling applet is responsible for controlling all display applets, where all functionality including loading, initialization and execution is carried out within this controlling or main applet.

Referring to claim 58, Banthia discloses that the main applet is a platform for running any applet (page 5, lines 25-30).

Referring to claim 60, Banthia discloses dynamically loading and removing applets from the main applets with the applets being obtained from different computers, where the applets are obtained from a server, through the Internet to the client computer (page 7, lines 7-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 5-8, 19-22, 33-36 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banthia and U. S. Patent No. 5,561,757 (Southgate).

Referring to claims 5-8, 19-22 and 33-36, Banthia does not disclose minimizing, maximizing, overlapping and cascading of windows. Southgate discloses allowing windows to be minimized and maximized (column 1, line 59-60), overlapping of windows (column 2, lines 10-11) and cascading (column 3, lines 5-6). It would have been obvious for one skilled in the art at the time of the invention to learn from Southgate to implement means for manipulating the windows wherein the applications would be represented. Southgate discusses these manipulation techniques as being applicable to any GUI with windows (column 1, lines 26-37), as such as is disclosed in Banthia. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement basic manipulation techniques for the layout of the windows.

Referring to claim 59, Banthia discloses that the main applet is a platform for dynamically running independent applets (page 4, lines 5-10). Banthia does not disclose that the windows of the independent applets are resizable. Southgate discloses allowing windows to be resized (column 1, line 59-60). It would have been obvious for one skilled in the art at the time of the invention to learn from Southgate to implement means for manipulating the windows wherein the applications would be represented. Southgate discusses these manipulation techniques as being applicable to any GUI with windows (column 1, lines 26-37), as such as is disclosed in Banthia.

Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement resizing of the windows.

5. Claims 13, 27 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banthia and "The Swing Tool Set" article.

Referring to claims 13, 27 and 41, Banthia does not disclose using a JInternal frame window to represent the applet windows. "The Swing Tool Set" article discloses a means for using JInternal frames, wherein these components would be used to represent objects, such as windows in desktop environments (page 10, row 4), much like the desktop environments of Banthia. It would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the window representation of the applets through a JInternal frame component. JInternal frame components are obviously used to represent objects within a desktop environment, much like the ones used in Banthia. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the applets such as they are represented through JInternal frame windows.

Response to Arguments

6. Applicant's arguments filed 11/7/05 have been fully considered but they are not persuasive.

Banthia teaches that the controlling or main applet is responsible for carrying out the functionalities of the display applets, where the applets are contained within the main applet with the main or controlling applet having control over each of the selected applet. Banthia has also clearly pointed out that even when each of the

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selected applets are generated in separate windows, the main applet or the controlling applet is responsible for controlling these applets and therefore each of the selected applets are still within the main applet.

Banthia has clearly taught that when the selected applets are "torn off", they are moved to another window, with this another window being the separate window.

Another window that is different from the window that the applet was initially displayed in would represent a separate window.

As displayed in Figure 3, as long as each of the applets serve different purposes and are entities on their own, they are independent from each other. Each of these applets have distinct features that show independence from each other especially upon inspection of Figure 3.

The feature substantially at the same time is considered ambiguous and not specific. As long as selection is made within a time period, it can be interpreted that the selections were made substantially at the same time.

Banthia discloses displaying the list of applets with the applets themselves providing the naming of the applets. The list contains applets with naming data identifying the applet that has been provided to the user for selection. Banthia further discloses that after selection of the applets, these applets will continually be updated with new data, where this continuous updating involves addition of new data and loading of these applets within the main applet. This continuous updating or loading is carried out by the controlling applet or main applet, which has control over the selected

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applets that are continuously updated and loaded with new data. See page 4, lines 5-10 and page 7, lines 8-10.

Banthia discloses that the main applet or controlling applet creates the platform under which various kinds of applets are running as shown in Figure 3. Banthia also teaches that the applets are accessed from a server by a client computer. As the client computer is accessing the applets from a different computer, this computer being a server through the Internet, this teaches that the applets are obtained by the client from different computers by accessing the data from a server through the Internet.

Banthia may not disclose actual manipulation of the size of the windows of the selected applets, where window resizing is a well-known method in the field of windows. Southgate has been combined with Banthia to teach an obvious feature of window manipulation concerning windows that are displayed to the user.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

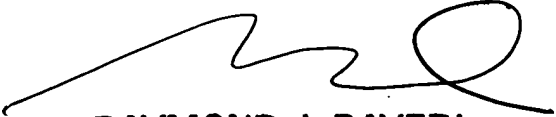
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 20, 2006



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